

Application No.: 10/565,798
Art Unit: 3617

Amendment under 37 CFR §1.111
Attorney Docket No.: 052895

REMARKS

Claims 2, 3 and 5 through 24 are pending in the present application. Claims 1 and 4 are cancelled. Claims 2, 3, 5 through 8, 12, 13, 15, 17 through 21 and 23 are herein amended. Claims 24 through 26 are added. No new matter has been entered. In light of the aforementioned amendments and following remarks, favorable consideration is earnestly solicited.

Interview Summary Under 37 C.F.R. § 1.133:

Applicant thanks the Examiner for extending an interview to Applicant on November 17, 2008. During the interview, the Examiner indicated that several features, if added to the claims, would help expedite prosecution of the application. Specifically, the features of a “single bow and single stern portion;” claiming the bottom part of a slot (i.e. closing the slot at its bottom); claiming that a single hull unit has a single bow portion substantially at a centerline of said single hull unit; and further defining what constitutes a slot, would help overcome the rejection according to the Examiner.

Claim 7 contains language such that the slot is closed at its bottom.

Claim Objections

Claims 8 and 19 were objected to under 35 U.S.C. § 112 second paragraph for being indefinite. Applicant has amended claims 8 and 19 which address the objections.

On the Merits

Claim Rejections - 35 U.S.C. § 102

Claims 2, 3, 5, 6, 11-17 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Fletcher* (US 3,929,644).

Independent Claim 2:

Independent claim 2 now recites:

A boat having enhanced stability, safety and comfort, comprising:
a ~~unit body boat~~ single hull unit having at least one elongated, substantially vertical slot extending substantially therethrough such that said slot divides said ~~boat~~ single hull unit into at least two substantially separate buoyant compartments, and such that water, on which the boat is floating, freely communicates with said slot and with air within and surrounding said slot;
wherein said slot is fully or partly open at at least a bow or a stern or a port side or a starboard side of said ~~boat~~ single hull unit, or at a top or a bottom of said slot;
wherein said single hull unit has a single bow portion substantially at a centerline of said single hull unit and
wherein said substantially vertical slot has a cross sectional area such that a vertical dimension of said cross sectional area of said slot is substantially greater than a horizontal dimension of said cross sectional area of said slot.

Claim 2 now recites a single hull unit with a vertical slot extending substantially therethrough. The Examiner had considered reference character 19 of *Fletcher*, a “converging-diverging passage” to be a slot. However, passage 19 does **not** extend through a single hull unit, as recited above in claim 2. That is, the hull configuration of *Fletcher* is self-described as a catamaran. (See abstract for example.) As such, even if passage 19 were to be considered a slot,

the alleged slot would not extend through a single hull unit, as recited in claim 2, but rather, would extend between each of the two hull units of the catamaran.

As *Fletcher* does not disclose a substantially vertical slot running through either of its two hulls, Applicant respectfully submits *Fletcher* cannot disclose the claimed invention.

Independent Claim 5:

Independent claim 5 recites similar features to those discussed above regarding independent claim 2. That is claim 5 recites a single hull unit with a substantially vertical slot running therethrough. For the reasons discussed above regarding independent claim 2, the claimed features of claim 5 are not disclosed or fairly suggested. As such, Applicant respectfully submits independent claim 5 is presently in condition for allowance.

Independent Claim 15:

Independent claim 15 recites similar features to those discussed above regarding independent claim 2. That is claim 15 recites a single hull unit with a substantially vertical slot running therethrough.

Additionally, independent claim 15 also recites that said slot “extends transversely through said single hull unit.” The Examiner previously considered openings 57 (as shown in *Fletcher*) to disclose this feature. However, the openings 57 are not a slot, as defined by claim 15 and are not vertical, as recited by claim 15. As such, Applicant respectfully submits *Fletcher* does not disclose or fairly suggest the feature of a transversely extending slot.

Further, for the reasons discussed above regarding independent claim 2, the claimed features of claim 15 are not disclosed or fairly suggested. As such, Applicant respectfully submits independent claim 15 is in condition for allowance.

Dependent Claims 3, 6, 11-14, 16 and 17:

As dependent claims 3, 6, 11-14, 16 and 17 ultimately depend from independent claims 2, 5 or 15, the arguments presented above regarding the independent claims also apply to their dependent claims. As such, Applicant respectfully submits that the dependent claims are presently in condition for allowance.

Furthermore, dependent claim 25 has been added to further define what constitutes a slot. That is, according to claim 25, a slot has a substantially constant width throughout the length of the slot. As shown in FIG. 2 of *Fletcher* for example, the alleged slot 19 does not have a substantially constant width. Because the inner surface of the hulls/tanks of *Fletcher* are curved, the width of the alleged slot is constantly varying. Thus, *Fletcher* does not disclose the claimed invention of a slot with a substantially constant width.

As such, Applicant respectfully submits dependent claim 25 is presently in condition for allowance.

Claims 2, 3, 5-7, 11-16 and 23 were rejected under 35 U.S.C. § 102(e) as being anticipated by *Norek* (US 6,647,909).

Independent Claim 2:

As discussed in the interview of November 17, 2008, *Norek* does not disclose a substantially vertical slot. That is, FIG. 1 of *Norek* should be rotated 90 degrees as it is a cutaway side view of the hull. As such, the alleged slot defined by interior surface 24 cannot be said to be substantially vertical.

Additionally, claim 2 recites that the slot communicates with air and water within and surrounding the slot. As is apparent from FIG. 9 of *Norek*, no air communicates with the alleged slot, as it is completely underwater.

As such, Applicant respectfully submits that the features of claim 2 are not disclosed by *Norek*, and that the claim is in condition for allowance.

Independent Claims 5 and 15:

Independent claims 5 and 15 recite similar features to that discussed above with respect to claim 2. As such, the arguments presented above also apply to independent claims 5 and 15.

Dependent Claim 25

According to claim 25, said slot must have a substantially constant width. As is apparent in the figures of *Norek*, (i.e. see FIG. 1), the alleged slot has curvilinear sidewalls which make the width variable. As such, *Norek* does not disclose or fairly suggest the claimed invention.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 2, 3, 6-12, 15, 16, 22 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Klose* (US 3,291,088).

Independent Claim 2:

Independent claim 2 recites that “said slot divides said single hull unit into at least two substantially separate buoyant compartments.” This feature is not disclosed by *Klose*. That is, *Klose* discloses a daggerboard trunk, as shown for example by reference character 64 in Fig. 1. However, the daggerboard trunk of *Klose* does not divide a hull into separate buoyant compartments as recited in claim 2.

That is, according to *Klose*, the daggerboard trunk is located inside the thwart. This limits the length of the daggerboard trunk, as shown in Fig. 4 for example. The limited length of the daggerboard trunk also prevents it from dividing the hull into more than 1 separate buoyant compartment.

Furthermore, the daggerboard trunk of *Klose* is disclosed to function fully closed through its enclosed space by the daggerboard 76 itself, or “whenever the daggerboard is not in place” by a daggerboard trunk plug 176. (See lines 4 and 5 of column 7.) Thus *Klose* does not disclose the claimed feature of both air and water freely communicating with the slot.

As such, Applicant respectfully submits that claim 2 is presently in condition for allowance.

Dependent Claim 3:

Dependent claim 3 recites that the slot extends at least most of the length of the single hull unit. As apparent from *Klose*, the daggerboard trunk is small and runs less than 10% the length of the boat hull (when judging from Fig. 1). As such, claim 3 is not disclosed or fairly suggested by the cited references.

Dependent Claim 7:

Dependent claim 7 recites that a slot is closed on a bottom of the hull. The daggerboard trunk of *Klose* is open at its bottom. As such, claim 7 is not disclosed or fairly suggested by *Klose*.

Independent Claim 8:

Independent claim 8 recites that the slot runs approximately the length of the boat hull. As discussed above with respect to claim 3, *Klose* only discloses a daggerboard trunk which runs less than 10% the length its hull. As such, *Klose* does not disclose or fairly suggest the features of independent claim 8.

Independent Claim 15:

Independent claim 15 recites that the slot divides the boat hull into at least two substantially separate buoyant compartments. As discussed above with respect to claim 2, this feature is not disclosed or fairly suggested by *Klose*.

Application No.: 10/565,798
Art Unit: 3617

Amendment under 37 CFR §1.111
Attorney Docket No.: 052895


In view of the aforementioned amendments and accompanying remarks, Applicant submits that the claims, as herein presented, are in condition for allowance. Applicant requests such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



Dennis M. Hubbs

Attorney for Applicants
Registration No. 59,145
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

DMH